

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ANTHONY MICHAEL GIOIOSA, SR.,  
Plaintiff(s),

v.  
  
NEVADA DEPARTMENT OF BUSINESS  
BUREAU, et al.,  
  
Defendant(s).

Case No.: 2:21-cv-00700-JAD-NJK

## **REPORT AND RECOMMENDATION**

Plaintiff initiated this case without (1) filing a complaint or (2) either paying the required filing an application to proceed *in forma pauperis*. See Docket No. 1. On April 29, 2021, court ordered Plaintiff to file a complaint and to either pay the filing fee or file an application proceed *in forma pauperis*. Docket No. 3. The deadline to comply was set at June 1, 2021. See date, Plaintiff has not complied with either directive,<sup>1</sup> nor has he sought an extension of the ne.

This case cannot proceed without a complaint, *see* Fed. R. Civ. P. 3, nor can it proceed without Plaintiff either paying the filing fee or filing a motion to proceed *in forma pauperis*, *see* 28 U.S.C. § 1914(a); *see also* 28 U.S.C. § 1915(a). Failure to comply with these basic requirements subjects a case to dismissal. *E.g.*, *Desai v. Biden*, 2021 WL 38169, at \*1 (E.D. Cal. Jan. 5, 2021), *adopted*, 2021 WL 276236 (E.D. Cal. Jan. 27, 2021).

Moreover, Plaintiff's refusal to comply with the Court's order is an abusive litigation practice that has interfered with the Court's ability to hear this case, delayed litigation, disrupted the Court's timely management of its docket, wasted judicial resources, and threatened the

<sup>1</sup> Plaintiff instead filed two notices, which appear to be attempts at corresponding with the state and local agencies. See Docket Nos. 4-5.

1 integrity of the Court's orders and the orderly administration of justice. Sanctions less drastic than  
2 dismissal are unavailable because Plaintiff has refused to comply with the order of this Court  
3 notwithstanding the warning that case-dispositive sanctions may be imposed.

4 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without  
5 prejudice.

6 Dated: June 9, 2021

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8 Nancy J. Koppe  
United States Magistrate Judge

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10 **NOTICE**

11 This report and recommendation is submitted to the United States District Judge assigned  
12 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and  
13 recommendation must file a written objection supported by points and authorities within fourteen  
14 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file  
15 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951  
16 F.2d 1153, 1157 (9th Cir. 1991).

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